AMENDMENTS TO THE DRAWINGS

Applicant has attached hereto a replacement sheet reflecting amendments to FIGURE 2.

REMARKS

Applicant hereby traverses the outstanding rejections and requests reconsideration and withdrawal in view of the remarks contained herein. Claims 1-21, 30-40, 45-52 and 54-60 are pending in this application.

Amendment to the Drawings

Applicant has amended FIGURE 2 into FIGURES 2A and 2B. FIGURE 2A shows a vented tip while FIGURE 2B shows an open mold configuration. No new matter has been added, as the features shown are described in at least paragraphs [0004], [0047] and [0057]-[0058], and in originally filed claim 17.

Amendment to the Specification

Applicant has amended the Brief Description of the Drawings to reflect the changes to the drawings described above. Applicant has also amended paragraph [0042] to reflect the changes to FIGURE 2. No new matter has been added , as the features shown are described in at least paragraphs [0004], [0047] and [0057]-[0058], and in originally filed claim 17.

Interview Summary

Prior Art Rejections:

Applicant thanks the Examiner for his time and consideration in the telephonic interview of May 4, 2006. Applicant and the Examiner discussed the current rejections of the independent claims. The Examiner agreed with Applicant that the current claims are patentable over the prior art rejections contained in the April 28, 2006 office action.

Objection to Specification:

The Examiner raised a potential objection to the specification relating the limitation removed from claim 1 that the CIC fit into the ear canal of the user in such a manner as to touch the bony portion of the ear canal of the user. Applicant respectfully asserts that the specification supports the removal of this limitation.

In support of Applicant's assertion, reference is made to the paragraph numbers as shown in the corresponding U.S. Patent Publication No. 2004/0010181. Applicant identifies the occlusion effect as a problem in existing hearing aids (paragraph [0004]), and that the

minimization, or reduction, of the occlusion effect is one of the stated goals of the present invention (paragraph [0014]). In describing the occlusion effect, Applicant in the background, specifically paragraph [0004], describes that the ear has two zones: an inner (bony) portion and an outer (cartilaginous) portion.

The present application makes clear that there are at least two mechanisms to reduce or minimize the occlusion effect: first, as described in paragraph [0032] a receiver (speaker) may be inserted into the inner/bony portion of the ear, thereby minimizing the occlusion effect that occurs from blocking the outer portion of the ear canal; second, as described in paragraph [0004], an open mold or vented receiver may be used in the outer portion of the ear canal that allows air to flow past the receiver, thereby minimizing the occlusion effect. Though the specification makes clear that deep insertion is the preferred embodiment, Applicant describes both a closed fit (deep insertion), and an open or vented fit (shallow or deep insertion).

Applicant describes placing the receiver into the inner portion of the ear canal in various places in the specification, including paragraphs [0013] an d[0032]. Applicant describes an open mold configuration in, for example, paragraphs [0047] and [0057]-[0058] which can be used to reduce or minimize the occlusion effect when the advantages of deep insertion are not required, such as in low or no gain applications, as described in paragraphs [0057] and [0059].

In support Applicants description of both solutions to the occlusion effect, paragraphs [0037] and [0042] describe that, in embodiments, the CIC *may* be placed so deep as to touch the bony portion of the ear. As this limitation is permissive, but not required, Applicant clearly intended embodiments that did not have the CIC in the inner portion of the ear canal, but instead were in the outer portion of the ear canal but open or vented as described above.

Still further, in paragraph [0099], Applicant describes embodiments of the CIC that do not place any limitations on the location of the CIC component in relation to the ear canal.

In view of the foregoing, the written description of the present invention clearly contemplates an open mold configuration that is independent of the location of the CIC component in relation to the user's ear canal.

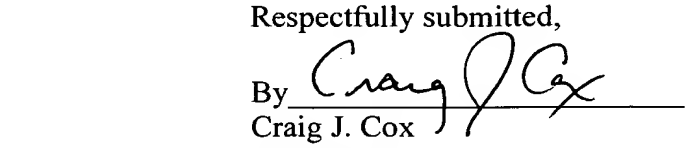
Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 06-2380, under Order No. 59184/P002US/10026564 from which the undersigned is authorized to draw.

Dated: June 16, 2006

Respectfully submitted,

By 

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